

# The Americans with Disabilities Act Overview



**AGENCY PRESENTATION  
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# Objectives of the Training



- Obtain an understanding of the amendments to the ADA and the reasons for them.
- Inform you about resources that can be used when questions arise.
- Answer questions you may have about the ADA and its amendments.

# History of the ADA



- The ADA was originally passed by Congress and signed by President Bush in 1990.
- The Act is a comprehensive Federal Statute to protect the civil rights of people with disabilities.
- Made up of five titles.
- Amended by Congress in order to restore the original intent.

# Titles of the ADA



- Title I Employment.
- Title II covers State and Local Government.
- Title III places of public accommodation.
- Title IV Communications.
- Title V Miscellaneous .

# Reasons the Congress amended the ADA



- Courts took a very restrictive view of who is a qualified individual with a disability.
- Never got to issues of discrimination.
- Overwhelming bipartisan support to amend statute.
- Amendments became effective in January 2009
- Not retroactive.

# ADA Amendments Act



3 ways to become a qualified individual with a disability:

- Have a physical or mental impairment which substantially limits one or more major life activities.
- Have a record of such an impairment.
- Be regarded as having an impairment.

# ADA Amendments Act



Provides a broader non -exhaustive list of what would qualify as a substantial impairments. It is broken down into two areas:

- Major Life activities.
- Types of major bodily functions.

# ADA Amendments Act



Some examples of major life activities include but are not limited to:

- Hearing, walking, eating, thinking, concentrating, manual tasks, and caring for oneself.
- Remember the impairments have to be substantial (except when evaluating someone under the regarded as analysis).
- Bodily functions are also included

Some Bodily functions include: bladder, immune system, cell structure (cancer).



# ADA Amendments Act



- Also these impairments must be individually evaluated and must be done without considering mitigating measures. Examples include the use of medication, medical supplies and equipment.
- This Does NOT include ordinary eyeglasses or contact lenses.

# ADA Amendments Act



Being regarded as having an impairment does not require the person to have a substantial impairment.

- Can be an actual or perceived impairment.
- An adverse action must occur.
- Not required to reasonably accommodate under the Act. Please note that State Statute has been amended.

# Being Regarded as does not include



- An impairment that last 6 months or less.
- Broken arm and leg, are examples of what should heal.
- Impairment is transitory or minor a headache normal aches and pains.

# On the basis of disability



- Mirrors Title VII.
- Could be a neutral policy or essential function that as applied could discriminate. Example: No person with a disability will be in the facility.
- Makes a blanket exclusion.
- Not based on essential functions of the job

# Change in emphasis



- The Amendments only go to the issue of being qualified with a disability. You must still be qualified to do the essential functions of the job with or without reasonable accommodation.
- Places more emphasis on the Interactive process and compliance obligations.

# The Amendments does NOT



- Change what is a reasonable accommodation.
- Change what is a direct threat.
- Change the program access requirements.
- Change any undue burden or fundamental alteration defenses.

# Title I Employment



- Covers employers with 15 and more employees
- A individual with a disability cannot be discriminated against in all phases of the employment process.
- A qualified individual with a disability must be able to perform the essential functions of the job with or without a reasonable accommodation.
- Accommodation can not cause undue hardship,
- <http://eeoc.gov/laws/types/disability.cfm>

# Title II Governments



- Applies to State and local government
- All Programs, Services, and Activities must be accessible to and usable by individuals with disabilities when viewed in its entirety.
- State law mirrors Federal Law
- Applies to programs, services and activities that do not receive federal money
- Major resource ADA.gov
- <http://www.ada.gov>



# ADA Coordinator



- Applies to Governments that have 50 or more employees.
- Oversee to ensure compliance with applicable provisions of the ADA and State law.
- <http://admin.ks.gov/offices/personnel-services/policies-and-programs/ada>
- If you have a problem or question you can contact me

# Examples of issues



- Effective Communication:  
<http://www.ada.gov/effective-comm.pdf>
- Service Animals:  
[http://www.ada.gov/service\\_animals\\_2010.pdf](http://www.ada.gov/service_animals_2010.pdf)
- Olmstead: <http://www.ada.gov/olmstead/index.htm>
- Facilities:  
[http://www.ada.gov/2010ADAstandards\\_index.htm](http://www.ada.gov/2010ADAstandards_index.htm)

# Some Limitations to Providing Access



- Governments do not have to provide access which would cause an Undue Financial or Administrative Burden
- Governments do not have to provide access which would cause a fundamental alteration to the program service or activity.
- Very High Standard.

# Title III Public Accommodations



- Covers Places of Public Accommodation-Types of business, (Examples are hotels, restaurants, retail stores)
- Readily Achievable barrier removal  
[http://www.ada.gov/2010ADAstandards\\_index.htm](http://www.ada.gov/2010ADAstandards_index.htm)
- Federal and State tax incentives to assist business with barrier removal

# More Technical Assistance



- ADA Technical Assistance Centers in Each region
- 1-800-949-4232
- Anywhere in the Country you call that number you will the technical assistance Center
- Our Regional Center is in Columbia Missouri
- They can offer guidance on the Titles of the ADA

# Title IV Telecommunications



- Governed by the FCC
- Accessibility Clearinghouse <http://ach.fcc.gov>

# Title V



- Title V major provision is the Retaliation provision

# Contact Information



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